

FEB. 28. 2007 12:25PM

MHK LAW 1 202 543 6406

FEB 28 2007

NO. 1964 P. 2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
COMPLETION OF FILING NATIONAL PHASE OF PCT APPLICATION
UNDER RULE 35 USC 371 AND 37 CFR 1.494(C) OR 1.495(C)

COMPLETION
For PCT Cases Only

Attn: BOX PCT

In re PATENT APPLICATION of:

Inventor(s): COCCHI, Gino & ZANIBONI, Gianni

Appln. No.: 10/577,831

National Phase Field

Based on PCT PCT/EP2004/052647

Atty. Docket No. 2545-0503

Title: Combined Machine For The Production OF Both Plain And Syrup-Dressed Ice Cream And Shakes

Date: February 28, 2007

FILING OF ITEM(S) LATE IN PCT/USA NATIONAL CASE

Asst. Commissioner of Patents
Washington DC 20231

Sir:

The following completes the filing of the subject application under Rule 494(c)/495(c). Please accept the following attached items:

1. Missing Requirements Notice (PCT/DO/EO/905) ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration ☐ Original ☒ Facsimile/Copy ☐ with specs/claims attached
3. ☐ Translation of the International Application into English including:
 - a. ☐ Request;
 - b. ☐ Abstract
 - c. _____ pgs. Spec. and Claims
 - d. ☐ Translation verification
 - e. _____ sheets Drawing which are: ☐ informal; ☐ formal of size ☐ A4 ☐ 11"
4. ☐ Copy of International Search Report (ISR) attached (_____ page(s))
 - a. plus Annex of family members (_____ page(s))
5. ☐ Information Disclosure Statement including
 - a. ☐ Form PTO-1449 listing documents
 - b. ☐ Copies of document(s) listed on Form PTO-1449
 - c. ☐ A concise explanation of ISR references is given in the ISR
6. ☒ Assignment and cover sheet. Please return the recorded assignment to the undersigned.
7. ☐ Copy of Power to international application agent.
8. ☐ Small Entity Status claimed
9. ☐ Formal Drawings: _____ sheet(s) ☐ informal; ☐ formal of size: ☐ A4 ☐ 11"
10. ☒ Please immediately start national examination procedures (35 USC 371(f))
11. ☐ Attached:

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12. ☐ Preliminary Amendment Attached:
13. ☒ Basic U.S. National fee per rule 492(a)(1)-(4) was previously timely filed.
14. Calculation of remaining fees due (if any): based on amended claim(s) per above item
☐ 12 (above) or item(s) in PAT-112 (filed previously) ☐ 12 ☐ 14 ☐ 17 ☐ 25
15. CLAIMS FEES ☐ previously paid ☐ paid herewith as follows:
- 15A. Small Entity Statement ☐ herewith ☐ previously filed

| | | | | Large Entity/Small Entity | Amount |
|--------------------------------------------------------------------------------------------------------|---------|------------|--|----------------------------|--------------|
| 16. Total Effective Claims | | Minus 20 = | | X \$18/\$9 | + |
| 17. Independent Claims | | Minus 3 = | | X \$84/\$42 | + |
| 18. If <u>any proper</u> multiple dependent claim (ignore improper) is present | | | | \$280/\$140 | + |
| 19. Filing Declaration late, fee paid <input type="checkbox"/> previously <input type="checkbox"/> now | | | | \$130/\$65 | +130 |
| 20. | | | | SUBTOTAL = | \$130 |
| 21. Original due date: February 28, 2007 | | | | | |
| 22. Petition is hereby made to extend the <u>original</u> due date to | (1 mo) | | | \$110/\$55 = | + |
| cover the date this response is filed for which the requisite fee | (2 mos) | | | \$410/\$205 = | |
| is attached | (3 mos) | | | \$930/\$465 = | |
| | (4 mos) | | | \$1450/\$725 = | |
| 23. If "non-English" box 3 is X'd, add Rule 17(k) processing fee | | | | \$130 | + |
| 24. If "assignment" box 6 is X'd, add recording fee | | | | \$40 | +40 |
| 25. | | | | Total Fee Enclosed: | \$170 |

26. ☒ Please charge the total fee to our deposit account below under the stated order no.:

Our Deposit Account No.: 501860

Our Order No. 2545-0503

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

This **CHARGE STATEMENT** does not authorize charge of the issue fee until/unless and issue fee transmittal form is filed.

Davidson Berquist
Klima & Jackson LLP
4501 North Fairfax Drive
Suite 920
Arlington, VA 22203
(703) 248-0333 Main
(703) 248-9558 Fax

By Atty.: Timothy J. Klima

Reg. No.: 34,852

Sig: _____

NOTE: File in duplicate with PTO receipt & attachments

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

| | | |
|-------------------------------------------|--------------------------------------|-------------------------------|
| U.S. APPLICATION NUMBER NO. 10/577,831 | FIRST NAMED APPLICANT Gino Cocchi | ATTY. DOCKET NO. 2545-0503 |
|-------------------------------------------|--------------------------------------|-------------------------------|

| |
|-------------------------------------------------|
| INTERNATIONAL APPLICATION NO. PCT/EP04/52647 |
|-------------------------------------------------|

| | |
|--------------------------------|-----------------------------|
| I.A. FILING DATE 10/25/2004 | PRIORITY DATE 10/29/2003 |
|--------------------------------|-----------------------------|

Harbin King & Kilma
500 Ninth Street, SE
Washington, DC 20003

CONFIRMATION NO. 2821

371 FORMALITIES LETTER

Date Mailed: 12/28/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 05/01/2006
- Copy of the International Search Report filed on 05/01/2006
- Preliminary Amendments filed on 05/01/2006
- Information Disclosure Statements filed on 05/01/2006
- Request for Immediate Examination filed on 05/01/2006
- U.S. Basic National Fees filed on 05/01/2006
- Specification filed on 05/01/2006
- Claims filed on 05/01/2006
- Abstracts filed on 05/01/2006
- Drawings filed on 05/01/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/577,831 | PCT/EP04/52647 | 2545-0503 |

FORM PCT/DO/EO/905 (371 Formalities Notice)

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Facsimile No.: 571-273-8300

No. of Pages (including this page): 10

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IMMEDIATELY BY TELEPHONE AT (202) 543-6404****USPTO: PLEASE ACKNOWLEDGE CLEAR RECEIPT OF ALL PAGES INDICATED
ABOVE BY FAXING THIS PAGE BACK TO (202) 543-6406**

| | | | |
|-----------------------|------------------------------------------------------------------------------------------|---------------|-------------------|
| In re Application of: | | | |
| Applicant: | COCCHI, Gino & ZANIBONI, Gianni | Atty. Dkt.: | 2545-0503 |
| Int. App. #: | PCT/EP2004/05267 | | |
| Int. Filing Date: | 10/25/2004 | Priority Date | 10/29/2003 |
| Title: | Combined Machine For The Production Of Both Plain And Syrup-Dressed Ice Cream and Shakes | Date: | February 28, 2007 |

Name of paper being transmitted: Application Filing Completion

Message:

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and Trademark Office at the above fax number on the date shown below.

Name: Timothy J. KlimaSig: Date: February 28, 2007Harbin King & Klima
500 Ninth Street, SE
Washington, DC 20003
(202) 543-6404 Phone
(202) 543-6406 Fax